IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14852 of 2007
Date of decision: 25.9.2007

Ravinder Singh and another ...Petitioners

Versus

Superintendent Canal Officer and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE R.S. MADAN

Present: Mr. Dinesh Goyal, Advocate,
for the petitioners.

K.S.GAREWAL, J.

Notice of motion.

Mr. Sandeep Jasuja, Advocate, accepts notice on behalf of Madan Lal-respondent 3/caveator.

Ravinder Singh and his father have filed this petition to stop the shifting of their water outlet from outlet RD 44450/R (old) to RD 43000/R (new) of Kesu Bengu minor.

It was on the application of Madan Lal that Divisional Canal Officer had shifted the outlet from the old to the new on the ground that Madan Lal's area was higher and the outlet was at the other end of the land. After receiving the report from Ziledar, Ferozepur Division-2 and perusing the command statement, the Divisional Canal Officer recommended shifting

of the outlet from old to new. This order was challenged by the petitioner before the Superintendent Canal Officer who upheld the order, meaning thereby that the new outlet would be sanctioned but the appellant would be at liberty to file an application for a separate outlet as per the Canal Act.

On appearance, the learned counsel for the respondent-Madan Lal did not oppose flow of water to the petitioners' field from the old outlet if his irrigation through the new outlet was protected.

In view of the above, this petition is allowed to a limited extent, the order of the Superintendent Canal Officer is modified, and as a result the petitioners shall continue to receive water through outlet 44450/R (old) while Madan Lal-respondent shall receive water through outlet 43000/R (new).

This petition is disposed of in the above terms.

(K.S. GAREWAL)
JUDGE

25.9.2007 **(R.S. MADAN)**
prem **JUDGE**